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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,664	09/26/2001	Stewart Mark Nichols	05222.00161	3001
29638 7590 05/11/2007 BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NO. 005222 10 S. WACKER DRIVE, 30TH FLOOR CHICAGO, IL 60606			EXAMINER COUGHLAN, PETER D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/868,664

Applicant(s)

NICHOLS, STEWART MARK

Examiner

Peter Coughlan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This office action is in response to an AMENDMENT entered February 23, 2007 for the patent application 09868664 filed on June 20, 2001.
2. App previous office actions are fully incorporated into this Final Office Action by reference.
3. Examiner's Note. While reading the specification a second time, the Examiner found a factual error. On page 3, the specification states, 'a preferred embodiment is written using JAVA, C, and the C++ language and utilizes object oriented programming methodology. The error is that the language C is not an object-oriented language.

Status of Claims

4. Claims 1-21 are pending.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims have the term 'source code' in them but said term is lacking within the specification. 'Source code' could have a number of meanings and manifestations but it is not within the specification for clarification or description. The claims and/or the specification must be amended to correct this rejection.

Claims 1, 10, 19 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims state that 'at least one profile uses conjunctively a plurality of characteristics', which is not mentioned within the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) (hereinafter referred to as **Corder**) being anticipated by August, U.S. 5302132.

Claim 1

Corder anticipates matching a profile against a simulation domain, wherein the profile comprises a set of criteria and identifies a desired aspect for a current simulation task (**Corder**, C8:21-38; 'Profile', 'simulation domain', 'set or criteria' and 'desired aspect' of applicant is equivalent to 'input', 'the system', 'decision rules' and 'determining students needs' of Corder.); presenting information indicative of a goal (**Corder**, C5:28-53; The word 'superintendent' is broken down into syllabification so the student can learn each part through a speaker resulting in the student learning the word.); integrating information that motivates accomplishment of the goal (**Corder**, C7:35-44; 'Integrating information' and 'accomplishment of the goal' of applicant is equivalent to 'immediate feedback' and 'how to take notes' of Corder.); monitoring progress toward the goal determining at least one profile that is true, for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal (**Corder**, C7:35-44, Figure 5, C20:64 through C21:9; 'True' of applicant is equivalent to 'completeness' of Corder. 'Monitoring progress' of applicant is equivalent to the items in Figure 5, each item is a step towards a goal with corrective lessons needed if required. 'Feedback' of applicant is equivalent to 'suggest ways to achieve improvements in performance' of

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Corder.), the at least one profile conjunctively, using a plurality of characteristics, each characteristic identifying a subset of the simulation domain (**Corder**, C4:15-35; 'Plurality of characteristics' of applicant is equivalent to 'assessment' of Corder. One 'assessment' is for lip reading and another is for signing.); and ; and displaying details of the computer-implemented method and displaying the tutorial presentation as the tutorial presentation executes, wherein the tutorial presentation provides a cognitive educational experience. (**Corder**, C6:27-37; 'Displaying details' of applicant is equivalent to 'sequence of stimuli' of Corder.)

Claim 10

Corder anticipates a processor that runs a computer program to create the tutorial presentation, the computer program comprising of logic; (**Corder**, C12:13-26); a memory that stores information under control of the processor (**Corder**, C13:42-50) matching a profile against a simulation domain, wherein the profile comprises a set of criteria and identifies a desired aspect for a current simulation task (**Corder**, C8:21-38; 'Profile', 'simulation domain', 'set or criteria' and 'desired aspect' of applicant is equivalent to 'input', 'the system', 'decision rules' and 'determining students needs' of Corder.); presenting information indicative of a goal (**Corder**, C5:28-53; The word 'superintendent' is broken down into syllabification so the student can learn each part through a speaker resulting in the student learning the word.): integrating information that motivates accomplishment of the goal (**Corder**, C7:35-44; 'Integrating information' and 'accomplishment of the goal' of applicant is equivalent to 'immediate feedback' and

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'how to take notes' of Corder.); monitoring progress toward the goal determining at least one profile that is true, for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal (**Corder**, C7:35-44, Figure 5, C20:64 through C21:9; 'True' of applicant is equivalent to 'completeness' of Corder. 'Monitoring progress' of applicant is equivalent to the items in Figure 5, each item is a step towards a goal with corrective lessons needed if required. 'Feedback' of applicant is equivalent to 'suggest ways to achieve improvements in performance' of Corder.), the at least one profile conjunctively using a plurality of characteristics, each characteristic identifying a subset of the simulation domain (**Corder**, C4:15-35; 'Plurality of characteristics' of applicant is equivalent to 'assessment' of Corder. One 'assessment' is for lip reading and another is for signing.) and ; and displaying details of the computer-implemented method and displaying the tutorial presentation as the tutorial presentation executes, wherein the tutorial presentation provides a cognitive educational experience. (**Corder**, C6:27-37; 'Displaying details' of applicant is equivalent to 'sequence of stimuli' of Corder.)

Claim 19

Corder anticipates matching a profile against a simulation domain, wherein the profile comprises a set of criteria and identifies a desired aspect for a current simulation task (**Corder**, C8:21-38; 'Profile', 'simulation domain', 'set or criteria' and 'desired aspect' of applicant is equivalent to 'input', 'the system', 'decision rules' and 'determining students needs' of Corder.); presenting information indicative of a goal

(**Corder**, C5:28-53; The word 'superintendent' is broken down into syllabification so the student can learn each part through a speaker resulting in the student learning the word.); integrating information that motivates accomplishment of the goal (**Corder**, C7:35-44; 'Integrating information' and 'accomplishment of the goal' of applicant is equivalent to 'immediate feedback' and 'how to take notes' of Corder.); monitoring progress toward the goal determining at least one profile that is true, for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal (**Corder**, C7:35-44, Figure 5, C20:64 through C21:9; 'True' of applicant is equivalent to 'completeness' of Corder. 'Monitoring progress' of applicant is equivalent to the items in Figure 5, each item is a step towards a goal with corrective lessons needed if required. 'Feedback' of applicant is equivalent to 'suggest ways to achieve improvements in performance' of Corder.), the at least one profile conjunctively using a plurality of characteristics, each characteristic identifying a subset of the simulation domain (**Corder**, C4:15-35; 'Plurality of characteristics' of applicant is equivalent to 'assessment' of Corder. One 'assessment' is for lip reading and another is for signing.); and ; and displaying details of the computer-implemented method and displaying the tutorial presentation as the tutorial presentation executes, wherein the tutorial presentation provides a cognitive educational experience. (**Corder**, C6:27-37; 'Displaying details' of applicant is equivalent to 'sequence of stimuli' of Corder.)

Corder anticipates instantiating a particular feedback model based on characteristics of a target user. (**Corder**, C3:31 through C4:6; 'Target user' of applicant is based on 'preliminary evaluation' of Corder.)

Claims 3, 12.

Corder anticipates receiving and analyzing user responses using an expert system to determine details of the computer-implemented method to display. (**Corder**, C3:31 through C4:6; Corder illustrates this in the passage '...the means for generating test stimuli and receiving the responses of the student to the stimulus...')

Claims 4, 13.

Corder anticipates browsing details of an object as the tutorial presentation executes. (**Corder**, C6:67 through C7:34, C8:52 through C9:2; 'Details of an object' of applicant is equivalent to 'diverse subject matter' of Corder. 'Tutorial presentation' of applicant is equivalent to 'tutorial session' of Corder.)

Claims 5, 14.

Corder anticipates displaying source code of the tutorial presentation as the tutorial presentation executes. (**Corder**, C5:17-27, C8:52 through C9:2; 'Displaying source code' of applicant is equivalent to the results of the 'display' of Corder. 'Tutorial presentation' of applicant is equivalent to 'tutorial session' of Corder.)

Claims 6, 15.

Corder anticipates modifying the tutorial presentation based on a user indicia as the tutorial presentation executes. (**Corder**, C16:49-56, C8:52 through C9:2; 'Modifying' and 'user indicia' of applicant are equivalent to 'delete or modify' and 'identifiable characteristics' of Corder. 'Tutorial presentation' of applicant is equivalent to 'tutorial session' of Corder.)

Claims 7, 16.

Corder anticipates capturing portions of the tutorial presentation in response to a user indicia as the tutorial presentation executes. (**Corder**, C6:14-20, C8:52 through C9:2; 'Capturing portions' of applicant is equivalent to 'evaluation of the student response' of Corder. 'Tutorial presentation' of applicant is equivalent to 'tutorial session' of Corder.)

Claims 8, 17.

Corder anticipates tailoring feedback based on a user indicia as the tutorial presentation executes. (**Corder**, C6:14-20, C8:52 through C9:2; 'Tailoring feedback' of applicant is equivalent to 'formation of recommendations' of Corder. 'Tutorial presentation' of applicant is equivalent to 'tutorial session' of Corder.)

Claims 9, 18.

Corder anticipates presenting a tailored simulation based on 1 user indicia as the tutorial presentation executes. (**Corder**, C6:1-20, C8:52 through C9:2; 'Presenting' of

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applicant is equivalent to 'delivery of the instructions' of Corder. 'Tutorial presentation' of applicant is equivalent to 'tutorial session' of Corder.)

Claim 20.

Corder anticipates identifying a subset of the simulation domain from at least one characteristic of the profile (**Corder**, C9:3-13; A subset of the profile of applicant is equivalent to 'touch screen, graphic table or pen & paper' of Corder.); and (d)(ii) determining the feedback in accordance with the subset of the simulation domain. (**Corder**, C6:27-37; 'Feedback' of applicant is equivalent to 'lessons' of Corder.)

Claim 21

Creating another profile that reuses at least one of the plurality of characteristics (**Corder**, C2:24-31; 'Creating another profile that reuses' of applicant is demonstrated in the following. The fact that there are 'students' implies more that one user has access to Corder. 'Profile' of applicant is equivalent to 'different cognitive learning styles' of Corder.); and providing subsequent feedback to the student, based on the other profile. (**Corder**, C6:14-20: 'Other profile' of applicant is equivalent to 'learning style capabilities and disabilities' of Corder.)

Response to Arguments

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7. Applicant's arguments filed on February 23, 2007 for claims 1-21 have been fully considered but are not persuasive.

8. In reference to the Applicant's argument:

Claim Rejections – 35 U.S.C. 1.01

Claims 1-21 are rejected by the Office Action allegedly for being directed to non-statutory subject matter.

The Office Action alleges that (Page 3):

The phrase 'creating a presentation' is too broad and falls outside of a real world application and is considered abstract. The result has to be a practical application. Applicant notes that claims 1 and 10 contain the features "for creating a tutorial presentation" and "An apparatus that creates a tutorial presentation," respectively. Applicant subsequently added independent claim 19, which includes the feature "A computer-readable medium for creating a tutorial presentation and having computer-executable instructions." Applicant also notes that this Office Action is the sixth office action based on the merits and that this rejection is being introduced in this Office Action. The Office Action further alleges (Page 3.):

In determining whether the claim is for a "practical application," the focus is not one whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful, tangible and concrete." If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. § 101. The claims do not teach a real world application. If the claims are to be used for the instruction of children, automotive repair or running a political campaign then none have been stated.

Regarding claim 1, the claim further includes the feature of "wherein the tutorial presentation provides a cognitive educational experience" and thus provides a final result that is useful, concrete, and tangible. Independent claims 10 and 19 include similar features. Moreover, claims 2-9, 11-18, and 20-21 ultimately depend from

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claims 1, 10, and 19 and are directed to statutory subject matter. Applicant requests reconsideration of claims 1-21.

Examiner's response:

The Examiner withdraws the 35 U.S.C. §101 rejection. Per the applicant's specification, the invention is a tutorial system that is employed in the field of business simulations to teach new skills.

9. In reference to the Applicant's argument:

Claim Resections -- 35 U.S.C. §112

The Office Action rejects 1, 10, 19, and 20 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Office Action alleges that (Page 4):

Claims 1, 10, 19, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contain subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims contain the phrase 'simulation domain' which is not mentioned at all in the specification. The claims and/or the specification must be amended to correct the rejection.

Regarding claim 1, the claim includes the feature of "matching a profile against a simulation domain, wherein the profile comprises a set of criteria," which was introduced as an amendment in the paper filed on January 4, 2005. As discussed in that paper, Applicant discussed that the amendment is supported by the specification as originally filed, e.g., page 9, lines 3-34. Applicant believes that, as previously discussed, the specification complies with the enablement requirement with respect to the phrase "simulation domain." Claim 10 includes the similar feature of "logic that matches a profile against a simulation domain, wherein the profile comprises a set of criteria and identifies a desired aspect for a current simulation task." Similarly, claim 19 includes the feature of "matching a profile against a simulation domain, wherein the profile comprises a set of criteria and identifies a desired aspect for a current simulation task."

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Moreover, claim 20 depends from claim 19. Applicant requests reconsideration of claims 1, 10, 19, and 20.

Examiner's response:

The Examiner withdraws the 35 U.S.C. §112 rejection, based on the specification that a 'simulation domain' is only a 'domain model which is a representation of objects in a simulation.'

10. In reference to the Applicant's argument:

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Office alleges (Page 5):

The statement 'providing subsequent feedback to the student, based on the other profile' is not mentioned in the specification. The claims and/or the specification must be amended to correct this rejection.

As discussed in the paper filed on August 31, 2006, claim 21 is supported by the specification as originally filed, e.g., page 9, line 32-page 10, line 6. The specification discloses (page 9, line 32-page 10, line 6.):

A profile is composed of two types of structures: characteristics and collective characteristics. A characteristic is a conditional (the if half of a rule) that identifies a subset of the domain that is important for determining what feedback to deliver to the student. Example characteristics include: Wrong debit account in transaction 1; Perfect cost classification; At Least 1 DUI in the last 3 years; More than \$4000 in claims in the last 2 years; and More than two at-fault accidents in 5 years. A characteristic's conditional uses one or more atomics as the operands to identify the subset of the domain that defines the characteristic. An atomic only makes reference to a single property of a single entity in the domain; thus the term atomic. Example atomics include: The number of DUV's ≥ 1 ; ROI $> 10\%$; and Income between \$75,000 and \$110,000. A collective characteristic is a conditional that uses multiple characteristics and/or other collective characteristics as its operands. Collective characteristics allow instructional designers to build richer expressions (i.e., ask more complex questions). Example collective characteristics

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include: Bad Household driving record; Good Credit Rating; Marginal Credit Rating; Problems with Cash for Expense transactions; and Problems with Sources and uses of cash. Once created, designers are able to reuse these elements within multiple expressions, which significantly eases the burden of creating additional profiles. When building a profile from its elements, atomics can be used by multiple characteristics, characteristics can be used by multiple collective characteristics and profiles, and collective characteristics can be used by multiple collective characteristics and profiles. Figure 5 illustrates an insurance underwriting profile in accordance with a preferred embodiment.

Applicant believes that, the specification complies with the enablement requirement with respect to the feature of "providing subsequent feedback to the student, based on the other profile." Applicant requests reconsideration of claim 21.

Examiner's response:

The Examiner withdraws the rejection based on the specification page 9:32 through page 10:6.

11. In reference to the Applicant's argument:

The Office Action rejects claims 1-21 under 35 U.S.C. 112, first paragraph, allegedly because the specification, while being enabling for a tutorial system, does not reasonably provide enablement for 'creating a presentation'.

The Office Action alleges (Page 5.):

The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The specification is directed for a learning/tutorial system but claims are much broader and thus there exists a scope of enable rejection. The claims and/or specification must be amended to correct this rejection.

However, as previously discussed, claims 1, 10, and 19 is directed to a "tutorial presentation." As admitted by the Examiner, the specification is directed to a learning/tutorial system. Moreover, claims 2-9, 11-18, and 20-21 depend from claims 1,

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10, and 19. The specification (e.g., page 1, lines 30-39) is commensurate in scope with the claimed invention. Applicant requests reconsideration of claims 1-21.

Examiner's response:

With the addition of a 'tutorial presentation' system to overcome the 35 U.S.C. §101 rejection, this also overcomes this 35 U.S.C. §112 rejection. The Examiner withdraws the rejection.

12. In reference to the Applicant's argument:

Claims 1, 10, and 19 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Office Action alleges that (Page 5):

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims make the statement that providing feedback which provide further motivation for accomplishing the tasks. There exists not grounds or basis for this assumption. "Motivation" is an intangible quality which is not directly linked to feedback. The claims and/or specification must be amended to correct this rejection.

Applicant notes that claims 1 and 10 contained the features "providing feedback that further motivates accomplishment of the goal" and "logic that monitors progress toward the goal and provides feedback that further motivates accomplishment of the goal," respectively, as originally filed. Applicant subsequently amended claims 1 and 10 to include the features of "providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal" and "logic that monitors progress toward the goal, determines at least one profile that is true for the current simulation task from a set of profiles, and provides feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal," respectively. Also, Applicant previously added claim 19 to include the similar feature of "monitoring progress toward the goal,

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determining at least one profile from that is true for the current simulation task a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal." The Applicant also notes that this Office Action is the sixth office action based on the merits and that this rejection is being introduced in this Office Action.

Also, in accordance with MPEP § 2111.01:

The words of a claim must be given their "plain meaning" unless they are defined in the specification.

Applicant notes that claims 1, 10, and 19 refer to "motivates" and not to "motivation." Moreover, the plain meaning of "motivates" is "provide with an incentive." (American Heritage College Dictionary, Third Edition, Houghton Mifflin Company.) For example, the specification, as originally filed, discloses (Page 7, lines 6-15.):

Every BusSim application does analysis on the data that defines the current state of the simulation many times throughout the execution of the application. This analysis is done either to determine what is happening in the simulation, or to perform additional calculations on the data which are then fed back into the simulation. For example, the analysis may be the recognition of any actions the student has taken on artifacts within the simulated environment (notebooks, number values, interviews conducted, etc.), or it may be the calculation of an ROY based on numbers the student has supplied. Substantive, useful feedback is a critical piece of any BusSim application. It is the main mechanism to communicate if actions taken by the student are helping or hurting them meet their performance objectives. The interpretation piece of the set of proposed commonalties takes the results of any analysis performed and makes sense of it. It takes the non-biased view of the world that the Analysis portion delivers (i.e., "Demand is up 3%") and places some evaluative context around it (i.e., "Demand is below the expected 7%; you're in trouble!", or "Demand has exceeded projections of 1.5%; Great job!").

The specification also discloses (Page 12, lines 16-27.):

In this task, the student must journalize twenty-two invoices and other source documents to record the flow of budget dollars between internal accounts. (Note: "Journalizing", or "Journalization", is the process of recording journal entries in a general ledger from invoices or other source documents during an accounting period. The process entails creating debit and balancing credit entries for each document. At the completion of this process, the general ledger records are used to create a trial balance and subsequent financial reports.) In accordance with a preferred embodiment, an Intelligent Coaching Agent Tool (ICAT) was developed to standardize

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and simplify the creation and delivery of feedback in a highly complex and open-ended environment. Feedback from a coach or tutor is instrumental in guiding the learner through an application. Moreover, by diagnosing trouble areas and recommending specific actions based on predicted student understanding of the domain student comprehension of key concepts is increased. By writing rules and feedback that correspond to a proven feedback strategy, consistent feedback is delivered throughout the application, regardless of the interaction type or of the specific designer/developer creating the feedback. The ICAT is packaged with a user-friendly workbench, so that it may be reused to increase productivity on projects requiring a similar rule-based data engine and repository.

As exemplified by the above teachings and in conjunction with the plain meaning of the claims, the present specification is enabling with respect to the feature of "providing feedback which provide further motivation for accomplishing the tasks." Applicant is requesting reconsideration of claims 1, 10, and 19.

Examiner's response:

The Examiner withdraws the rejection based on the view that which motivates is to provide positive feedback or aid to a student to accomplish a goal. Negative feedback would not motivate a student to accomplish a goal.

13. In reference to the Applicant's argument:

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The Office Action alleges that (Page 6.):

The claim(s) contains subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This claim states that 'logic' is used for numerous purposes but applicant fails to claim what type of logic is being implemented. Is it Boolean logic, predicate calculus logic, modern algebraic logic

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(rings and sets etc.) quantum logic? The Examiner does not know what type of logic is being used. The claims and/or specification must be amended to correct this rejection.

Applicant notes that claim 10 contains features referring "logic" as originally filed. The Applicant also notes that this Office Action is the sixth office action based on the merits and that this rejection is being introduced in this Office Action. Moreover, Applicant is amending claim 10 to include the feature of "a processor that runs a computer program to create the tutorial presentation, the computer program comprising of logic." The amendment is supported by the specification as originally filed. For example, the specification discloses (Page 5, line 37-page 6, line 6.):

During the build phase, the application development team uses the detailed designs to code the application. Coding tasks include the interfaces and widgets that the student interacts with. The interfaces can be made up of buttons, grids, check boxes, or any other screen controls that allow the student to view and manipulate his deliverables. The developer must also code logic that analyzes the student's work and provides feedback interactions. These interactions may take the form of text and/or multimedia feedback from simulated team members, conversations with simulated team members, or direct manipulations of the student's work by simulated team members. In parallel with these coding efforts, graphics, videos, and audio are being created for use in the application. Managing the development of these assets have their own complications. Risks in the build phase include misinterpretation of the designs. If the developer does not accurately understand the designer's intentions, the application will not function as desired. Also, coding these applications requires very skilled developers because the logic that analyzes the student's work and composes feedback is very complex.

Claim 10 refers to "logic" that would enable one of ordinary skill in the art to make and/or use the invention. Applicant requests reconsideration of claim 10.

Examiner's response:

The Examiner asked the question of what type of 'logic' is employed within the invention. The response received was 'coding these applications requires very skilled developers because the logic that analyzes the student's work and composes feedback is very complex' which does not answer the question. After a second

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reading of the specification, the Examiner determined that a rule-based logic is employed and thus withdraws the rejection.

14. In reference to the Applicant's argument:

Claim 5 and 14 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Office Action alleges that (Page 6):

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims have the term 'source code' in them but said term is lacking within the specification. 'Source code' should have a number of meanings and manifestations but it is not within the specification for clarification or description. The claims and/or the specification must be amended to correct this rejection.

Applicant notes that claims 5 and 14 contain features referring "displaying source code of the tutorial presentation as the tutorial presentation executes" and "logic that displays source code of the tutorial presentation as the tutorial presentation executes", respectively, as originally filed. The Applicant also notes that this Office Action is the sixth office action based on the merits and that this rejection is being introduced in this Office Action. Moreover, the specification discloses embodiments that utilize different programming languages. For example, the specification discloses that (Page 3, lines 15-23.):

A preferred embodiment is written using JAVA, C, and the C++ language and utilizes object oriented programming methodology. Object oriented programming (OOP) has become increasingly used to develop complex applications. As OOP moves toward the mainstream of software design and development, various software solutions require adaptation to make use of the benefits of OOP. A need exists for these principles of OOP to be applied to a messaging interface of an electronic messaging system such that a set of OOP classes and objects for the messaging interface can be provided. A simulation engine in accordance with a preferred embodiment is based on a Microsoft Visual Basic component developed to help design and test feedback in relation to a Microsoft Excel spreadsheet. These spreadsheet models are what simulate actual business functions and become a task that will be performed by a

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student The Simulation Engine accepts simulation inputs and calculates various outputs and notifies the system of the status of the simulation at a given time in order to obtain appropriate feedback.

For example, a Visual Basic component may be represented as a set of instructions that must be translated to machine instructions before the program can be run on a computer. (Newton's Telecom Dictionary, Eleventh Edition, 1996.) Thus, one of ordinary skill in the art would be enabled to make and/or use the invention. Applicant requests reconsideration of claims 5 and 14. Claim Resections -- 35 U.S.C. 4102

Examiner's response:

The term 'source code' is not within the specification and the applicant's argument does not clarify the problem. Is the 'source code' itself displayed or the resulting output of the 'source code' displayed? If the invention is a business simulation software designed for tutorial use, what benefit of displaying the 'source code' benefit a student? Office Action stands.

15. In reference to the Applicant's argument:

Claims 1-21 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,302,132 (Corder).

Regarding claim 1, Applicant is amending the claim to include the feature of "monitoring progress toward the goal, determining at least one profile that is true for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal, the at least one profile conjunctively using a plurality of characteristics, each characteristic identifying a subset of the simulation domain." The amendment is supported by the specification as originally filed. For example, the specification discloses (page 9, line 32-page 10, line 6.):

A profile is composed of two types of structures: characteristics and collective characteristics. A characteristic is a conditional (the if half of a rule) that identifies a subset of the domain that is important for determining what feedback to deliver to the

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student. Example characteristics include: Wrong debit account in transaction 1; Prefect cost classification; At least 1 DUI in the last 3 years; and More than two at-fault accidents in 5 years. A characteristic's conditional uses one or more atomics as the operands to identify the subset of the domain that defines the characteristic. An atomic only makes reference to a single property to a single property of a single entity in the domain; thus the term atomic. Example atomics include: The number of DUI's ≥ 1 ; ROI $> 10\%$; and income between \$75,000 and \$110,000. A collective characteristic is a conditional that uses multiple characteristics and/or other collective characteristics as its operands. Collective characteristics allow instructional designer to build richer expressions (i.e., ask more complex questions). Example collective characteristics include: Bad Household driving record; Good Credit Rating; Marginal Credit Rating; Problems with Cash for Expense Transactions; and Problems with Sources and uses of cash. Once created, designers are able to reuse there elements with multiple expressions, which significantly eases the burden of creating additional profiles. When building a profile form its elements, atomics can be used by multiple characteristics, characteristics can be used by multiple collective characteristics and profiles, and collective characteristics and profiles, and collective characteristics can be used by multiple collective characteristics and profiles. Figure 5 illustrates an insurance underwriting profile in accordance with a preferred embodiment.

The Office Action alleges that Corder teaches (Page 7-8.):

.. , monitoring progress toward the goal determining at least one profile that is true for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal (Corder, C7:35-44; 'True' of applicant is equivalent to 'completeness' of Corder. Corder illustrates feedback in this passage as well.) the at least one profile, using a plurality of characteristics, each characteristic identifying a subset of the simulation domain (Corder, 04:15-35; 'Plurality of characteristics' of applicant is equivalent is equivalent to 'assessment' of Corder. One assessment' is for lip reading and another is for signing.); and displaying details of the computer-implemented method and displaying the presentation ass the presentation executes, wherein the presentation provides a cognitive educational experience. (Corder, C6:27-37; 'Displaying details' of applicant is equivalent to 'sequence of stimuli' of Corder.)

However, Corder discloses (Column 4, lines 15-35.):

FIG. 2a is a schematic representation of a teacher computer 240 or workstation. This system configuration normally has more hardware components than the student's system. "Other Devices" 248 refers to components available to the teacher, such as touch screens, track balls, etc. FIG. 2b shows a student's computer 260. It has a component 262 to digitally record the student saying the phonograms, word, or other task objective and depicts the simplest system hardware configuration from among an almost unlimited number of possibilities. A typical networked computer lab having

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various hardware components which might be utilized to advantage with the method of the present invention is shown in FIG. 2c. Also shown in this figure are several hardware components which facilitate the teaching of communication skills. For example, the video camera 2081 provides for the assessment of the lip positions during speech, or in the case of a deaf learner, for recording and evaluating the student signing the lesson objective. The current invention is not limited to particular computers or system configurations.

Corder merely discloses using one assessment or another. However, Corder does not even suggest the feature of "monitoring progress toward the goal, determining at least one profile that is true for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal, the at least one profile conjunctively using a plurality of characteristics, each characteristic identifying a subset of the simulation domain."

Applicant is amending claim 10 to include the similar feature of "logic that monitors progress toward the goal, determines at least one profile that is true for the current simulation task from a set of profiles, and provides feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal, the at least one profile conjunctively using a plurality of characteristics, each characteristic identifying a subset of the simulation domain." Applicant is also amending claim 19 to include the feature of "monitoring progress toward the goal, determining at least one profile from that is true for the current simulation task a set of profiles, and providing feedback to a student, based on the at least one profile, that further motivates accomplishment of the goal, the at least one profile conjunctively using a plurality of characteristics, each characteristic identifying a subset of the simulation domain." Claims 2-9, 11-18, and 20-21 ultimately depend from independent claims 1, 10, and 19, respectively, and are patentable for at least the above reasons. Moreover, claim 5 includes the feature of "including displaying source code of the tutorial presentation as the tutorial presentation executes." The Office Action alleges that (Page 4, section 4.):

Corder anticipates displaying source code of the presentation as the presentation executes. (Corder, C5 17-27; 'Displaying source code' of applicant is equivalent to the results of the 'display' of Corder.)

However, Corder merely teaches displaying content (e.g., phonograms, icons, or buttons) that results from the source code and fails to even suggest displaying the source code itself. Similarly, claim 14 includes the feature of "including logic that displays source code of the tutorial presentation as the tutorial presentation executes." Applicant requests reconsideration of claims 1-21.

Examiner's response:

'True' of applicant is equivalent to 'completeness' of Corder. 'Monitoring progress' of applicant is equivalent to the items in Figure 5, each item is a step towards a goal with corrective lessons needed if required. 'Feedback' of applicant is equivalent to 'suggest ways to achieve improvements in performance' of Corder. (**Corder**, C7:35-44, Figure 5, C20:64 through C21:9)

Examination Considerations

16. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

17. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are

entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

18. Examiner's Opinion: Paragraphs 16 and 17 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

20. Claims 1-21 are rejected.

Correspondence Information

22. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3080. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

Hand delivered to:

Receptionist,
Customer Service Window,
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401 Dulany Street,

Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

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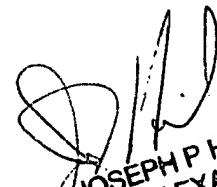
(571) 272-3150 (for formal communications intended for entry.)

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Peter Coughlan

5/2/2007



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